

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent ApplicationCOPY FOR CONTINUING  
APPLICATION

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

AMBIENT AND PERFUSION NORMALIZED TEMPERATURE DETECTOR

the specification of which (check one)

☐ is attached hereto.

☒ was filed on June 24, 1997 as United States Application

Number or PCT International Application Serial No. 08/881,891

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Not Claim
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[   ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[   ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[   ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status, patented, pending, abandoned)</u>
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<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status, patented, pending, abandoned)</u>
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<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status, patented, pending, abandoned)</u>
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<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status, patented, pending, abandoned)</u>
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As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states:

David E. Brook	Reg. No. 22,592	Alice O. Carroll	Reg. No. 33,542
James M. Smith	Reg. No. 28,043	N. Scott Pierce	Reg. No. 34,900
Leo R. Reynolds	Reg. No. 20,884	Richard A. Wise	Reg. No. 18,041
Patricia Granahan	Reg. No. 32,227	Helen E. Wendler	Reg. No. 37,964
Mary Lou Wakimura	Reg. No. 31,804	Carolyn S. Elmore	Reg. No. 37,567
Thomas O. Hoover	Reg. No. 32,470		

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive,  
Lexington, Massachusetts 02173;

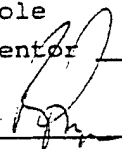
and

Send correspondence to: James M. Smith, Esq.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
2 Militia Drive  
Lexington, MA 02173

Direct telephone calls to: James M. Smith, Esq.  
(617) 861-6240

Direct facsimiles to: James M. Smith, Esq.  
(617) 861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole  
or first inventor Francesco Pompei  
Inventor's  
Signature  Date 9/4/97  
Residence 85 East India Row #6B  
Boston, Massachusetts 02110  
Citizenship U.S.A.  
Post Office Address As above  
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COPY FOR CONTINUING APPLICATION

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

POWER OF ATTORNEY  
OR AUTHORIZATION OF  
AGENT AND  
CORRESPONDENCE  
ADDRESS

Application Number	10/300,069
Filing Date	November 20, 2002
First Named Inventor	Francesco Pompei
Group Art Unit	Not assigned
Examiner Name	Not assigned
Attorney Docket Number	0243 1040-001

Title	Ambient and Perfusion Normalized Temperature Detector
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I/We hereby appoint

☒ the attorneys/agents associated with Customer No. 021005☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

☒ Customer Number 021005  
 Hamilton, Brook, Smith & Reynolds, P.C.  
 530 Virginia Road  
 P.O. Box 9133  
 Concord, Massachusetts 01742-9133

☐ Other

Please direct all telephone calls and facsimiles to:

Name James M. Smith, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

☐ Applicant/Inventor.☒ Authorized representative of the Assignee of the entire interest. See 37 C.F.R. 3.71. A Statement under 37 C.F.R. §3.73(b) is enclosed.☐ Authorized representative of an assignee together with [ ] of the entire interest. A separate Statement under 37 C.F.R. § 3.73(b) is enclosed.

## SIGNATURE of Applicant or Assignee of Record

Name	Francesco Pompei
Signature	<i>Francesco Pompei</i>
Date	4/10/03

☒ Total of 1 form is submitted

Docket No. 0243.1040-007

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant: Francesco Pompei  
Application No.: 10/300.069 Filed: November 20, 2002  
For: Ambient and Perfusion Normalized Temperature Detector  
Exergen Corporation a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or  
B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above. A separate Statement under 37 CFR § 3.73(b) is being submitted

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8819, Frame 0709-0711, or a copy thereof is attached

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below.

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee

Date: May 5, 2003Name: Francesco Pompei, Ph.D.Title: PresidentSignature: 